

Message

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To: R8 SLT [R8_SLT@epa.gov]
Subject: FW: EPA Finalizes Procedures for Alternate Liner Demonstrations, Allows for More Site-Specific Management of Coal Ash

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**EPA Finalizes Procedures for Alternate Liner Demonstrations,
Allows for More Site-Specific Management of Coal Ash**

WASHINGTON (October 16, 2020) — The U.S. Environmental Protection Agency (EPA) finalized the alternate liner demonstration procedures for unlined surface impoundments of coal combustion residuals (CCR), commonly known as coal ash. The final rule increases flexibility by allowing for more site-specific management of coal ash so long as the impoundments demonstrate no reasonable probability of adverse effects to the human health and the environment.

“With these revisions, the Trump Administration is addressing a portion of the coal ash regulations important to power-producing utilities that Americans in a number of states rely on every day,” said **EPA Office of Land and Emergency Management Assistant Administrator Peter Wright**. “These focused common-sense changes allow owners and operators the opportunity to submit a substantial factual and technical demonstration that there is no reasonable probability of groundwater contamination. This will allow coal ash management to be determined based on site-specific conditions.”

This rule finalizes a portion of the Holistic Approach to Closure Part B proposal. Specifically, the rulemaking finalizes a two-step process to allow coal-fired facilities to demonstrate to EPA, or a Participating State Director that, based on ongoing groundwater monitoring data, the impoundment has had no negative impact on groundwater. Additionally, the facilities must demonstrate that the design of a particular surface impoundment unit will continue to have no reasonable probability of adverse effects to human health and the environment. EPA anticipates that a very limited number of CCR surface impoundments will be eligible to continue operations based on this rule, given the very site-specific factual and technical demonstrations that are required.

The Holistic Approach to Closure Part A rule was recently finalized and implements the court’s vacatur by removing the provisions that allowed unlined impoundments to continue receiving coal ash unless they leaked and considered certain “clay-lined” impoundments as lined. The Part A rule revised the date by which unlined surface impoundments must stop receiving waste and sites must initiate closure of the units. The timelines for the Part A and Part B final rules are aligned to allow the owner or operator of a surface impoundment to pursue an alternate liner demonstration and still meet the cease receipt of waste deadlines promulgated in Part A, if necessary.

For more information, visit <https://www.epa.gov/coalash>.

Background:

In April 2015, EPA promulgated a comprehensive set of requirements for the management of coal combustion residuals (CCR) in landfills and impoundments. CCR include a variety of waste streams, specifically, fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from coal-fired electricity utilities; these waste streams are commonly known as coal ash. The rule established corrective action,

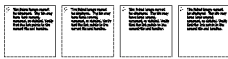
closure and post closure, technical standards, and inspection, monitoring, recordkeeping and reporting requirements.

In *Utility Solid Waste Activities Group [USWAG et al. v. EPA]* (Aug. 21, 2018), the D.C. Circuit of Appeals overturned certain provisions of EPA's 2015 rule and remanded some provisions back to the agency. Even though EPA is making regulatory changes with this final rule, the regulations in place since 2015 to detect and assess, and as needed to remediate, impacts on groundwater from CCR in surface impoundments and landfills remain in place. The 2015 requirements for facility inspection, monitoring, recordkeeping and reporting are also unchanged.

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